

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Francesc Casas SALVA

Serial No.: 10/719,013

Filed: 11/24/2003

For: COMPRESSED GAS OPERATED PISTOL



Confirmation No.: 9165

Group Art Unit: 3641

Examiner: Troy Chambers

Customer No.: 34610

PRE-APPEAL BRIEF REQUEST FOR REVIEW

U.S. Patent and Trademark Office
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Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

Applicant requests review of the final rejection in the above-identified application set forth in the February 12, 2007 Office Action. No amendments are being filed with this Request. This Request is being filed with a Notice of Appeal. The review is requested for the reasonss stated below.

Claims 17, 19-39 and 43-48 are pending in the Application. Claims 17, 38 and 48 are independent claims. The following arguments will focus on just independent claims 17, 38 and 48.

The February 12, 2007 Office Action rejects claims 17 and 38 under 35 USC § 102(b) over Petrosyan (U.S. Patent No. 5,711,286). The Office Action also rejects claims 17, 38 and 48 under 35 USC § 102(b) over Poor (U.S. Patent No. 5,509,399). For the reasons given below, it is respectfully submitted that the rejections should be withdrawn.

I. Claims 17 and 38 are Allowable Over Petrosyan**A. Claim 17**

Claim 17 is directed to a compressed gas operated pistol. Claim 17 recites a trigger zone comprising a trigger linked to a hammer. Claim 17 also recites that the pistol includes a valve element configured to connect a valve chamber and a firing chamber, wherein the valve element is configured to be moved from a closed position to an open position by an impact of the hammer. Claim 17 further

recites a sealing device configured to isolate a firing chamber of the pistol with respect to an ammunition magazine. The trigger is linked to an elastic element provided in a forward portion of the trigger such that when the trigger is pressed against the force of the elastic element, the barrel is moved rearward in an axial direction to activate the sealing device.

The Petrosyan reference also discloses a compressed air pistol. However, the Petrosyan lacks a trigger which is linked to a hammer, as required by claim 17. The Petrosyan pistol does not include any type of hammer mechanism, let alone a hammer mechanism that operates a valve element. The Office Action fails to point to any element in the Petrosyan reference that would correspond to the claimed hammer. Instead, the Petrosyan pistol operates without the need for a hammer. In the Petrosyan device, movement of the barrel of the pistol operates a valve element to release compressed gas which fires a pellet. For at least these reasons, it is respectfully submitted that the rejection should be withdrawn.

In addition, the Petrosyan pistol does not include a sealing device, trigger and barrel which interact as required by claim 17. Specifically, claim 17 recites that when the trigger is pressed against the force of the elastic element, the barrel is moved rearward in an axial direction to activate the sealing device.

In contrast, when the trigger 510 of the Petrosyan pistol is pulled against the force of the elastic element 525 or 230, the barrel 200 is moved forward, not rearward. Once the Petrosyan trigger has been pulled sufficiently for the trigger and barrel to assume the position shown in Figure 14, the protruding portion 530 of the trigger 510 no longer pushes the barrel forward, and the barrel is allowed to move backward under the urging of the spring 230. The spring pushes the barrel rearward, causing it to impact the valve mechanism, which allows a burst of compressed air to fire the pellet.

The Petrosyan pistol lacks a trigger which, when pressed against the force of an elastic element, moves the barrel rearward to activate a sealing element, as required by claim 17. It is the spring 230 of

the Petrosyan pistol that moves the barrel rearward, not the trigger. For these additional reasons, it is respectfully submitted that the rejection of claim 17 should be withdrawn.

B. **Claim 38**

Claim 38 is also directed to a compressed gas operated pistol. Claim 38 recites that the pistol includes a trigger piece linked to a hammer. As noted above, Petrosyan lacks any type of traditional hammer which is linked to a trigger. For at least this reason, it is respectfully submitted that the rejection should be withdrawn.

In addition, claim 38 also recites a sliding cover positioned proximate to the barrel and coupled to the trigger, wherein the sliding cover is configured to move backwards in a direction parallel to the barrel when the trigger is pressed so as to activate the hammer.

The Office Action asserts that Petrosyan includes "...a sliding cover 230 that moves to the rear when the trigger is pulled..." This assertion is not understood. To the best of Applicant's knowledge and belief, the cover of the Petrosyan pistol never moves. The element 230 identified in the Office Action is a spring (see Figure 9), not any sort of cover. For this additional reason, it is respectfully submitted that the rejection of claim 38 should be withdrawn.

II. **Claims 17, 38 and 48 are Allowable Over Poor**

A. **Claim 17**

Claim 17 recites that the sealing device is configured to isolate the firing chamber of the gun with respect to the ammunition magazine. Claim 17 recites that a catch portion is configured to link the trigger and the barrel, and that the trigger is linked to an elastic element provided in a forward portion of the trigger such that when the trigger is pressed against the force of the elastic element, the barrel is moved rearward in an axial direction to activate the sealing device.

The Poor reference discloses a compressed gas operated pistol, however, in the Poor pistol, the barrel 24 is fixed. The barrel 24 never moves as the trigger is depressed. For at least this reason, it is respectfully submitted that the rejection of claim 17 over Poor should be withdrawn.

B. Claim 38

Claim 38 recites a pistol which includes a barrel configured to be partially inserted into a firing chamber of the pistol. Claim 38 further recites a sliding cover positioned proximate to the barrel and coupled to the trigger, wherein the sliding cover is configured to move backwards in a direction parallel to the barrel when the trigger is pressed so as to activate the hammer.

As noted above, Poor lacks any type of barrel which can be partially inserted into a firing chamber. Instead, in the Poor pistol, the barrel of the device never moves, and the barrel is always located in front of the firing chamber, it is never partially inserted into a firing chamber. In addition, Poor lacks any type of sliding cover coupled to the trigger, wherein the sliding cover is configured to move backwards in a direction parallel to the barrel when the trigger is pressed so as to activate the hammer. For all these reasons, it is respectfully submitted that the rejection of claim 38 over Poor should be withdrawn.

C. Claim 48

Claim 48 is also directed to a compressed gas operated pistol. Claim 48 recites, among other things, a sliding cover provided in an upper section of the barrel zone and coupled to the trigger, and a connection mechanism configured to connect a rear end of the sliding cover to the hammer, wherein the sliding cover is configured to move backwards in a direction parallel to the barrel when the trigger is pressed so as to activate the hammer. Because Poor lacks the claimed sliding cover, or a connection mechanism that connects a rear end of a sliding cover to a hammer, it is respectfully submitted that the rejection of claim 48 over Poor should also be withdrawn.

III. Conclusion

For the reasons stated above, it is respectfully submitted that each of independent claims 17, 38 and 48 are allowable over the cited references. The dependent claims are allowable for the same reasons, and for the additional features they recite. Accordingly, withdrawal of the rejections and further action on the merits is respectfully requested.

Respectfully submitted,
KED & ASSOCIATES, LLP



John C. Eisenhart, Esq.
Registration No. 38,128

P. O. Box 221200
Chantilly, VA 20153-1200
703 766-3777 JCE/krf
Date: July 31, 2007
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